

REMARKS/ARGUMENTS

Claims 1-20 are pending in the present application. In the Office Action mailed August 23, 2006, the Examiner rejected claims 1-20 under 35 U.S.C. § 103. Claims 1, 9 and 15 have been amended.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

A. Rejection of Claims 1-2, 4-6, 8-10, 12-15 and 17-20 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-2, 4-6, 8-10, 12-15 and 17-20 under 35 U.S.C. § 103(a) based on U.S. Patent No. 5,987,105 to Jenkins et al. (hereinafter, "Jenkins") in view of U.S. Patent No. 6,023,698 to Lavey, Jr. et al. (hereinafter, "Lavey"). This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not disclose, teach or suggest all of the limitations in these claims.

Claim 1 has been amended to recite that “the user identification is used for billing purposes.” Support for this amendment may be found in Applicants’ specification, such as on page 8, lines 14-17. Applicants respectfully submit that neither Jenkins nor Lavey disclose, teach or suggest that “the user identification is used for billing purposes,” as recited in claim 1.

The Office Action admits, and Applicants agree, that “Jenkins differs from the claims in that the identification stored and accessed is the device serial number, not a user identification.” Office Action, page 3 (parenthetical citations omitted). Furthermore, the Office Action has not cited, nor can Applicants find, any portion of Jenkins that discloses, teaches or suggests that “the user identification is used for billing purposes,” as recited in claim 1. In fact, Applicants can find no mention of “billing” in Jenkins.

The Office Action asserts that “Lavey teaches that it is old and well known to use a product’s serial number as user identification.” Id. In support of this assertion, the Office Action cites the following portion of Lavey, “[w]hen a registration operation is performed, a registration token containing user identification information, such as a CD Key, a serial number from the CD-ROM packaging or another uniquely defined user identification, is used for registering the client application with the server site.” Lavey, col. 8, lines 17-20. Applicants respectfully submit that nothing in this cited portion discloses, teaches or suggests that “the user identification is used for billing purposes,” as recited in claim 1. Furthermore, Applicants respectfully submit that a serial number identifies a device or product. A device or product is not “bill[ed],” as recited in claim 1, rather a user is. As with Jenkins, Applicants cannot find any mention of “billing” in Lavey.

Furthermore, Lavey does not concern “billing,” as recited in claim 1. Rather, Lavey is concerned with “Registering and Updating Information over the Internet.” Lavey, Title. There would be no motivation to use Lavey’s registration token “for billing purposes,” as recited in claim 1, because when the user attempts to register and/or update their information over the Internet, the user will have already purchased the CD-ROM.

Accordingly, the Office Action has not cited, nor can Applicants find, any section of Jenkins that discloses, teaches or suggests that “the user identification is used for billing purposes,” as recited

in claim 1. Therefore, Applicants submit that the cited references do not disclose, teach or suggest each and every element as set forth in these claims.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn. Claims 9 and 15 include similar limitations as claim 1. Applicants respectfully request that the rejection of claims 9 and 15 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claims 2, 4-6 and 8 depend either directly or indirectly from claim 1. Claims 10 and 12-14 depend either directly or indirectly from claim 9. Accordingly, Applicants respectfully request that the rejection of claims 2, 4-6, 8, 10 and 12-14 be withdrawn for at least the same reasons as those presented above in connection with claims 1 and 9.

Claim 19 recites that “the communication network is a cellular telephone network.” Claim 20 recites that “the communication network is a radio network.” Applicants respectfully submit that none of the cited references disclose, teach or suggest either of these limitations.

The previous and the present Office Action assert that “[r]egarding claims 19-20, a cellular telephone can be used at the appliance site in the same manner as handset 9 to transmit the audible data signal generated by loudspeaker 5.” See Office Action of March 8, 2006 (“Previous Office Action”), page 5 and Office Action of August 31, 2006 (“Present Office Action”), page 4. Claim 19 recites “wherein the communication network is a cellular telephone network.” Claim 20 recites “wherein the communication network is a radio network.” Applicants respectfully submit that neither the present nor the previous Office Action has provided any explanation or support for the rejection claim 20. Rather, the Office Action has improperly grouped the distinct subject matter of cancelled claims 19 and 20.

Furthermore, Applicants previously responded to these assertions by stating the following:

Applicants respectfully submit that Jenkins does not disclose “a cellular telephone network,” as recited in claim 19, or “a radio network,” as recited in claim 20. In fact, Jenkins does not disclose anything about a cellular telephone, as asserted. Rather, Jenkins only discloses a Public Switched

Telephone Network. See Jenkins, Figure 1, col. 4, lines 23-25, and col. 10, lines 23-27. Applicants respectfully submit that a Public Switched Telephone Network is not the same as “a cellular telephone network,” as recited in claim 19, or “a radio network,” as recited in claim 20.

The assertion that a cellular telephone may be used in the same manner as handset 9 is not disclosed by Jenkins. Therefore, Jenkins does not disclose either “a cellular telephone network,” as recited in claim 19, or “a radio network,” as recited in claim 20. Consequently, because Jenkins does not disclose either “a cellular telephone network,” as recited in claim 19, or “a radio network,” as recited in claim 20, Jenkins does not anticipate claims 19 and 20.

June 12, 2006 Office Action Response (“Applicants’ Prior Response”), page 9. The present Office Action has not responded to these arguments, other than merely asserting that “Applicant’s arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.” Present Office Action, page 5. However, the present Office Action provided no new grounds of rejection for claims 19 and 20. Rather, the present Office Action merely repeats the same prior assertion. Applicants respectfully submit that their prior arguments remain valid and that Jenkins does not disclose, teach or suggest “a cellular telephone network,” as recited in claim 19, or “a radio network,” as recited in claim 20.

Furthermore, the Office Action has not cited, nor can Applicants find, any portion of Lavey that discloses, teaches or suggests the aforementioned claim limitations. Rather, Lavey merely discloses a “System and Method for Transparently Registering and Updating Information over the Internet.” Lavey, Title. Applicants respectfully submit that the Internet is not the same as “a cellular telephone network,” as recited in claim 19, or “a radio network,” as recited in claim 20. Therefore, because Lavey merely discloses the use of the Internet, Lavey does not disclose, teach or suggest all of the claim limitations of claims 19 and 20.

In view of the foregoing, Applicants respectfully submit that claims 19 and 20 are patentably distinct from the cited references. Additionally, claims 17-20 depend directly from claim 15. Accordingly, Applicants respectfully request that the rejection of claims 17-20 be withdrawn for at least the same reasons as those presented above in connection with claim 15.

B. Rejection of Claims 3 and 11 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 3 and 11 under 35 U.S.C. § 103(a) based on Jenkins in view of Lavey and further in view of U.S. Patent No. 5,311,581 to Merriam et al. (hereinafter, "Merriam"). This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

As shown above, Jenkins and Lavey fail to disclose, teach or suggest all of the limitations of claims 1 and 9. The Office Action has not cited, nor can Applicants find, any portion of Merriam that discloses, teaches or suggests the aforementioned limitations argued above. Rather, the Office Action has merely cited Merriam as disclosing "us[ing] DTMF tones to transmit status information." Office Action, page 4. Therefore, Applicants respectfully submit that claims 1 and 9 are patentably distinct from the cited references.

Claim 3 depends directly from claim 1. Claim 11 depends directly from claim 9. Accordingly, Applicants respectfully request that the rejection of claims 3 and 11 be withdrawn for at least the same reasons as those presented above in connection with claims 1 and 9 because the prior art references do not teach or suggest all the claim limitations.

C. Rejection of Claims 7 and 16 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 7 and 16 under 35 U.S.C. § 103(a) based on Jenkins in view of Lavey and further in view of U.S. Patent No. 5,729,596 to Reeder et al. (hereinafter, "Reeder"). This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

As shown above, Jenkins and Lavey fail to disclose, teach or suggest all of the limitations of claims 1 and 15. The Office Action has not cited, nor can Applicants find, any portion of Reeder that discloses, teaches or suggests the aforementioned limitations argued above. Rather, the Office

Action has merely cited Reeder as disclosing “that it is well known to communicate data from a television as well as a washing machine or microwave oven.” Office Action, page 4. Therefore, Applicants respectfully submit that claims 1 and 15 are patentably distinct from the cited references.

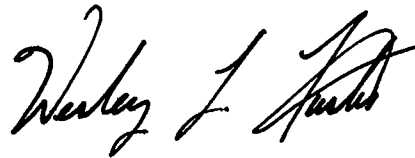
Claim 7 depends directly from claim 1. Claim 16 depends directly from claim 15. Accordingly, Applicants respectfully request that the rejection of claims 7 and 16 be withdrawn for at least the same reasons as those presented above in connection with claims 1 and 15 because the prior art references do not teach or suggest all the claim limitations.

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Amdt. dated November 22, 2006
Reply to Office Action of August 23, 2006

D. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

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